SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO

# Document Scanning Lead Sheet

Jun-07-2018 4:03 pm

Case Number: CGC-18-567056

Filing Date: Jun-07-2018 3:55

Filed by: ROSSALY DELAVEGA

Image: 06367268

COMPLAINT

LORI DASHIELL VS. TENDERLOIN HOUSING CLINIC, INC. ET AL

001C06367268

**Instructions:**
Please place this sheet on top of the document to be scanned.

SUM-100

# SUMMONS
## (CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:**
***(AVISO AL DEMANDADO):***

TENDERLOIN HOUSING CLINIC, INC. and DOES 1-25

**YOU ARE BEING SUED BY PLAINTIFF:**
***(LO ESTÁ DEMANDANDO EL DEMANDANTE):***

LORI DASHIELL

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (*www.courtinfo.ca.gov/selfhelp*), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (*www.lawhelpcalifornia.org*), the California Courts Online Self-Help Center (*www.courtinfo.ca.gov/selfhelp*), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of $10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.
***¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.***

*Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.*

*Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de $10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.*

The name and address of the court is:
*(El nombre y dirección de la corte es):* San Francisco Superior Court
400 McAllister St.
San Francisco, CA 94102

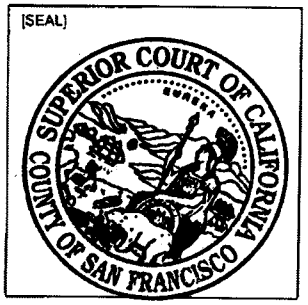
CASE NUMBER:
*(Número del caso):* CGC-18-567056

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
*(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):*
Nicole B. Gage, Hoyer & Hicks, 4 Embarcadero Ctr., Ste. 1400, San Francisco, CA 94111, 415-766-3539

DATE: *(Fecha)* JUN 07 2018 Clerk, by *(Secretario)* CLERK OF THE COURT DE LA VEGA-NAVARRO, Rossaly, Deputy *(Adjunto)*

*(For proof of service of this summons, use* Proof of Service of Summons *(form POS-010).)*
*(Para prueba de entrega de esta citatión use el formulario* Proof of Service of Summons, *(POS-010)).)*

[SEAL]




**NOTICE TO THE PERSON SERVED:** You are served
1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of *(specify)*:
3. ☐ on behalf of *(specify)*:

under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other *(specify)*:

4. ☐ by personal delivery on *(date)*:



Form Adopted for Mandatory Use
Judicial Council of California
SUM-100 [Rev. July 1, 2009]

SUMMONS

Code of Civil Procedure §§ 412.20, 465
www.courtinfo.ca.gov

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FILED
San Francisco County Superior Court
JUN 07 2018
CLERK OF THE COURT
BY: Deputy Clerk

Attorneys for Plaintiff
LORI DASHIELL,

SUPERIOR COURT OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN FRANCISCO

LORI DASHIELL,

Plaintiff,

vs.

TENDERLOIN HOUSING CLINIC, INC. AND DOES 1-25,

Defendants,

Case No. CGC-18-567056

**COMPLAINT FOR DAMAGES**

**(1) Nonpayment of Straight Time and Overtime Wages in Violation of Labor Code §§200, 202, and 510**
**(2) Failure to Provide Accurate Wage Statements in Violation of Labor Code §226(a)**
**(3) Waiting Time Penalties for Violation of Labor Code §201(a)**
**(4) Unfair and Unlawful Business Practices in Violation of Bus. & Prof. Code §17200, *et seq.***

**DEMAND FOR JURY TRIAL**

Plaintiff Lori Dashiell, (hereinafter "Dashiell" or "Plaintiff") brings this action against Defendant Tenderloin Housing Clinic, Inc. ("THC" and/or "Defendant"), and alleges as follows:

## NATURE OF THE ACTION

1. Plaintiff Lori Dashiell worked for Defendant Tenderloin Housing Clinic, Inc. for about four years as a Supportive Housing Manager. She oversaw operations of various buildings throughout her employment and was an exemplary employee who was consistently praised for her work. Due to her proven performance, THC tasked Ms. Dashiell with managing two buildings, Galvin Apartments ("Gavin") and the Hartland Hotel ("Hartland"). As a result, Ms. Dashiell received a salary increase. However, THC significantly misrepresented the amount of work at Galvin and merely compensated her with an extra $1,600 per year and an apartment unit in the complex. As a Supportive Housing Manager, Ms. Dashiell was always on-call. Ms. Dashiell averaged approximately 75 hours of work per week while she worked at Galvin. When Ms. Dashiell asked THC to compensate her for the work she was performing, THC ignored her requests and retaliated against her. On April 15, 2016, the company demoted her. However, at the same time it finally agreed to compensate Ms. Dashiell for managing Galvin going forward. On August 5, 2016, Ms. Dashiell resigned her employment.

## PARTIES

2. Plaintiff was, at all relevant times herein, a resident of the State of California and employed by Defendant THC to work at buildings it leases in San Francisco, California.

3. Defendant THC provides housing, legal, and supportive services for formerly homeless adults in San Francisco. At all relevant times, Defendant was Plaintiff's employer.

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## JURISDICTION AND VENUE

4. This Court has jurisdiction over the parties and claims involved in this action because the acts and omissions complained of herein occurred at a workplace owned and operated by Defendant in California. The amount of damages sought is within the unlimited jurisdiction of this Court because the amount in controversy is over $25,000.

5. Venue is proper in this Court pursuant to California Code of Civil Procedure section 395.5 because Defendant's liability arose in San Francisco County.

## FACTUAL ALLEGATIONS

6. On August 19, 2012, Ms. Dashiell began working at THC as a Supportive Housing Manager, where she managed several THC properties in San Francisco.

7. In April 2014, Ms. Dashiell began managing Galvin Apartments ("Galvin") in addition to her usual apartment complex.

8. THC paid Ms. Dashiell an extra $1,600 stipend per year and an apartment unit for her work at Galvin. Company management claimed that managing Galvin required little additional work.

9. In August 2014, THC assigned Ms. Dashiell to manage the Hartland Hotel ("Hartland") and raised her compensation. From then on, Ms. Dashiell managed 56 units at Galvin and 134 units at Hartland.

10. Ms. Dashiell worked significant hours at Galvin for which she was not compensated. THC management was aware of Ms. Dashiell's work through frequent emails, phone calls, and updates to THC's internal database system. The majority of her work consisted of following checklists, and she had to seek approval from management for most scenarios that were not already outlined by company policies and checklists. She rarely exercised discretion or independent judgment on matters of significance.

11. Ms. Dashiell began each day at Galvin conducting walkthroughs, filling out incident reports, compiling tenant reports, reviewing recertification checklists, updating lease agreements, assisting with resident move-ins, and interviewing potential tenants via a company-written script.

12. After finishing her tasks at Galvin, Ms. Dashiell went to Hartland. There, she reviewed the handwritten daily log book, documented lease violations, discussed updates with case managers, and attended conferences with tenants. Ms. Dashiell also spent considerable time copying and filing paperwork such as lease violations, tenant communication forms, tenant issues documentation, and recertification packets. Ms. Dashiell also attended court hearings for eviction proceedings, which involved long waits and intermediating communications between management and the company's lawyers. She had limited authority to shape the negotiations or change the company's legal position.

13. Ms. Dashiell also compiled reports for Galvin and Hartland each week and helped residents with lease signings and recertification. During the recertification process, Ms. Dashiell strictly followed a checklist to ensure the tenant had all necessary paperwork such as current income and proof of assets.

14. . Ms. Dashiell worked significant on-call hours, including responding to various afterhours emergencies and served as the property's emergency contact for most situations.

15. Despite Ms. Dashiell's heavy workload and her efforts to help transform both the Hartland and Galvin, she was not paid for her work at Galvin. Prior to managing Galvin, Ms. Dashiell worked approximately 40 hours per week. After taking over Galvin, she worked approximately 75 hours per week.

16. Ms. Dashiell requested several times to be paid for her work. At first, the company told Ms. Dashiell to work less, despite expecting the same quality of work at both Galvin and

Hartland.

17. On April 15, 2016, after more requests for payment, the company retaliated by demoting Ms. Dashiell. However, it did agree to pay her for working at the Galvin going forward. On August 5, 2016, Ms. Dashiell resigned her employment.

18. The above allegations are incorporated by reference in each and every cause of action stated below.

## FIRST CAUSE OF ACTION

**Nonpayment Wages and Overtime in Violation of Labor Code §§200, 202, and 510**

19. Defendant's conduct, as alleged herein, constitutes a violation of Lab. Code §§200 202, and 510, which require an employer to pay its employees for all hours worked, including overtime.

20. Defendant knowingly and intentionally refused to pay Plaintiff for the hours that she actually worked and for which she was entitled to compensation.

21. Defendant's failure to pay the correct amount of straight-time hourly wages permits a civil suit to recover wages due to Plaintiff, plus interest.

22. As a direct result of Defendant's violations of Labor Code §§200, 202, and 510, and the applicable Wage Order, Defendant is also liable for reasonable attorney's fees and costs pursuant to Labor Code §1194.

## SECOND CAUSE OF ACTION

**Failure to Provide Accurate Wage Statements in Violation of Labor Code §226(a)**

23. Defendant's conduct, as alleged herein, constitutes a violation of Lab. Code §226(a), which requires an employer to provide employees with accurate itemized wage statements for each pay period. Defendant knowingly and intentionally failed to provide Plaintiff with accurate itemized wage statements showing total hours worked and total wages earned.

24. As a direct result of Defendant's unlawful employment practices, as alleged herein, Plaintiff has been injured and is entitled to recover statutory penalties and attorney's fees under Lab. Code §226(e). Specifically, Plaintiff has been injured because Defendant failed to provide accurate and complete information regarding Plaintiff's total hours worked and total wages earned, and it was therefore impossible for her to determine from the wage statement alone her total number of hours worked and total wages earned during each pay period without engaging in discovery or complicated mathematics.

## THIRD CAUSE OF ACTION

### Waiting Time Penalties for Violation of Labor Code §201(a)

25. Defendant's conduct, as alleged herein, constitutes a violation of Lab. Code §201(a), which requires an employer to pay an employee all earned and unpaid wages immediately upon discharge or within 72 hours of quitting. Defendant wilfully failed to pay Plaintiff all wages owed at the end of her employment.

26. As a direct result of Defendant's unlawful employment practices, as alleged herein, Plaintiff has been injured as alleged herein and is entitled to recover statutory penalties under Lab. Code §203(a).

## FOURTH CAUSE OF ACTION

### Unfair Business Practices in Violation of Bus. & Prof. Code §§17200, *et seq.*

27. Defendant's conduct, as alleged herein, constitutes unfair competition in violation of Bus. & Prof. Code §§17200 *et seq.*, which prohibits unfair business acts and/or practices.

28. As a direct result of Defendant's unlawful employment practices, as alleged herein, Plaintiff has suffered, and is entitled to recover, unpaid wages, interest, and attorney's fees.

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## PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

1. For an award of damages to Plaintiff against Defendant for its nonpayment of wages, including economic damages, waiting time penalties, and for any punitive or penalty damages allowed under California law;

2. Costs and expenses of this action incurred herein, including reasonable attorneys' fees and expert fees;

3. Pre- and post-judgment interest, as provided by law;

4. All applicable statutory penalties arising from Defendant's unlawful conduct, as alleged herein;

5. Injunctive and declaratory relief; and

6. Any and all such other and further legal and equitable relief as this Court deems necessary, just and proper.

## DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial on all causes of action and claims to which she has a right to jury trial.

Date: June 7, 2018

HOYER & HICKS

Nicole B. Gage
Attorneys for Plaintiff
LORI DASHIELL

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
Richard A. Hoyer (SBN 151931); Nicole B. Gage (SBN 318005)
Hoyer & Hicks
4 Embarcadero Center, Suite 1400
San Francisco, CA 94111
TELEPHONE NO.: (415) 766-3539 FAX NO.: (415) 276-1738
ATTORNEY FOR (Name): Plaintiff LORI DASHIELL

FOR COURT USE ONLY

FILED
San Francisco County Superior Court
JUN 07 2018
CLERK OF THE COURT
BY: Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco
STREET ADDRESS: 400 McAllister St.
MAILING ADDRESS:
CITY AND ZIP CODE: San Francisco, CA 94102
BRANCH NAME:

CASE NAME:
LORI DASHIELL v. TENDERLOIN HOUSING CLINIC, INC.

**CIVIL CASE COVER SHEET**

[✓] **Unlimited** (Amount demanded exceeds $25,000)
[ ] **Limited** (Amount demanded is $25,000 or less)

**Complex Case Designation**

[ ] **Counter** [ ] **Joinder**
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: CGC-18-567056
JUDGE:
DEPT.:

*Items 1–6 below must be completed (see instructions on page 2).*

1. Check **one** box below for the case type that best describes this case:

**Auto Tort**
- [ ] Auto (22)
- [ ] Uninsured motorist (46)

**Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort**
- [ ] Asbestos (04)
- [ ] Product liability (24)
- [ ] Medical malpractice (45)
- [ ] Other PI/PD/WD (23)

**Non-PI/PD/WD (Other) Tort**
- [ ] Business tort/unfair business practice (07)
- [ ] Civil rights (08)
- [ ] Defamation (13)
- [ ] Fraud (16)
- [ ] Intellectual property (19)
- [ ] Professional negligence (25)
- [ ] Other non-PI/PD/WD tort (35)

**Employment**
- [ ] Wrongful termination (36)
- [✓] Other employment (15)

**Contract**
- [ ] Breach of contract/warranty (06)
- [ ] Rule 3.740 collections (09)
- [ ] Other collections (09)
- [ ] Insurance coverage (18)
- [ ] Other contract (37)

**Real Property**
- [ ] Eminent domain/Inverse condemnation (14)
- [ ] Wrongful eviction (33)
- [ ] Other real property (26)

**Unlawful Detainer**
- [ ] Commercial (31)
- [ ] Residential (32)
- [ ] Drugs (38)

**Judicial Review**
- [ ] Asset forfeiture (05)
- [ ] Petition re: arbitration award (11)
- [ ] Writ of mandate (02)
- [ ] Other judicial review (39)

**Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403)**
- [ ] Antitrust/Trade regulation (03)
- [ ] Construction defect (10)
- [ ] Mass tort (40)
- [ ] Securities litigation (28)
- [ ] Environmental/Toxic tort (30)
- [ ] Insurance coverage claims arising from the above listed provisionally complex case types (41)

**Enforcement of Judgment**
- [ ] Enforcement of judgment (20)

**Miscellaneous Civil Complaint**
- [ ] RICO (27)
- [ ] Other complaint *(not specified above)* (42)

**Miscellaneous Civil Petition**
- [ ] Partnership and corporate governance (21)
- [ ] Other petition *(not specified above)* (43)

2. This case [ ] is [✓] is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
   a. [ ] Large number of separately represented parties
   b. [ ] Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
   c. [ ] Substantial amount of documentary evidence
   d. [ ] Large number of witnesses
   e. [ ] Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
   f. [ ] Substantial postjudgment judicial supervision
3. Remedies sought *(check all that apply)*: a. [✓] monetary b. [✓] nonmonetary; declaratory or injunctive relief c. [ ] punitive
4. Number of causes of action *(specify)*: Four (Wage and Hour Claims)
5. This case [ ] is [✓] is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. *(You may use form CM-015.)*

Date: June 7, 2018
Nicole B. Gage, Esq.
(TYPE OR PRINT NAME)

Nicole Gage
(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**
- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.



Form Adopted for Mandatory Use
Judicial Council of California
CM-010 [Rev. July 1, 2007]

CIVIL CASE COVER SHEET

Cal. Rules of Court, rules 2.30, 3.220, 3.400–3.403, 3.740;
Cal. Standards of Judicial Administration, std. 3.10
www.courtinfo.ca.gov

BY FAX
ONE LEGAL LLC